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ON PAGE A-1

Agent's Indictment Hits Morale Of FBI Like 'Weatherman's' Bomb

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The indictment of a former FBI supervisor on charges of using illegal investigative techniques to track down fugitive radicals in the early 1970s hit the nation's premier law enforcement agency yesterday with the impact of a "Weatherman's" bomb.

"It's a damn shame," said one bureau source who has been involved in domestic intelligence operations. "The FBI's morale is already at a low ebb, but this is going to tear the bureau apart."

Another FBI official, who like the first requested anonymity, vehemently complained: "We came in as young men who didn't know anything about break-ins, or wiretapping or opening people's mail. The government trained us and told us to do it. Now it turns around and buries us."

Officially, however, the FBI had a sharp "no comment" after the bomb-shell announcement that 55-year-old former FBI supervisor John J. Kearney had been indicted on charges of directing agents under his command in New York City to participate in a mail-opening and wiretapping operation from late 1970 through June 1972.

WHILE THE FBI had no official comment, Atty. Gen. Griffin B. Bell was quoted in a Justice Department press release announcing the indictment as saying:

"My own dealings with the FBI in the short time that I have been attorney general sustain my overall respect for the FBI and my sincere trust in the high standards of professional responsibility demonstrated by the men and women who have the honor as serving as FBI agents."

Bell authorized federal prosecutors, after a thorough review of the case, to request a federal grand jury sitting in New York to return the indictment.

The targets of Kearney's alleged actions were persons suspected of harboring or communicating with Weatherman fugitives sought for bombings and other terrorist activities in Washington and around the country.

Kearney, who retired from the bureau in June 1972 and is now an executive with a New York-based private security service, is the first present or former official in the FBI's 53-year history to be indicted on criminal charges.

THE INDICTMENT is also the first growing out of a yearlong Justice Department probe into break-ins, burglaries and other illegal investigative techniques carried out by FBI agents during the past five years.

More indictments are expected. Informed sources have said that at least six FBI officials are targets of the investigation.

The Justice Department Civil Rights Division has been in charge of the investigation, which is continuing. But the prosecution of the case has now been assigned to the Department's Criminal Division.

Kearney, a 25-year FBI veteran described by colleagues as "a standup guy" and "very competent, very able," was specifically charged in the indictment with two counts of conspiracy, two counts of obstruction of correspondence and one count of unlawful wiretapping. If convicted on all counts, he could face a maximum prison sentence of 25 years and a fine of \$34,000.

Neither Kearney nor his lawyer could be reached yesterday for comment.

The charges, according to the indictment, stem from Kearney's role as supervisor of Squad 47, which had the responsibility in the FBI's New York City field office for the apprehension of the Weatherman fugitives.

THE INDICTMENT charged that Kearney "instituted and supervised" a procedure for obtaining and opening mail known as the "mail run" and assigned agents of Squad 47 to conduct the operation "with design to pry into the business and secrets of another."

The targets of the mail-opening operation were suspected of being in communication with the fugitive members of the Weatherman organization.

The mail, the indictment charged, was taken from mail boxes in New York City with keys "unlawfully obtained" by agents of Squad 47. The letters were opened with a device called a "steamer" and "later resealed without any obvious evidence of tampering."

The mail was taken to the FBI office at 201 E. 69th St. in Manhattan "where the letters were opened, their contents copied," the indictment said. The letters were then resealed and returned to the addresses where they had been obtained.

The indictment charged that Squad 47 members under Kearney's supervision obtained and opened the mail of at least 16 persons, including a woman believed to be the sister of fugitive Bernadine Dohrn.

KEARNEY ALSO was charged with conspiracy "to unlawfully intercept" telephone calls "for the purpose of seeking leads to the location and apprehension of Weatherman fugitives." The indictment said Kearney assigned agents of Squad 47 to "monitor, record, transcribe and summarize" the conversations.

The indictment said these activities involved wiretaps on the telephones of at least 12 persons suspected of being in contact with the fugitives. The final "unlawful" wiretap was placed on a telephone on New York's West Side around April 1972.

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